

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUSTIN EDWARDS,
Plaintiff,

v.

LOWE'S HOME CENTERS, LLC, a
North Carolina corporation, JIMMY
DOE, an individual; and DOES 1-25,
inclusive,
Defendants.

Case No. 1:23-cv-00363-ADA-BAM

SCHEDULING CONFERENCE ORDER

Amendment to Pleadings:	August 18, 2023
Initial Disclosures:	Completed
Expert Disclosure:	February 23, 2024
Supplemental Expert Disclosure:	March 15, 2024
Non-expert Discovery Cutoff:	January 26, 2024
Expert Discovery Cutoff:	April 19, 2024
Pre-trial Motion Filing Deadline:	May 17, 2024
Pre-Trial Conference:	October 21, 2024 1:30 p.m. Courtroom 1 (ADA)
Jury Trial: (5 days)	January 28, 2025 8:30 a.m. Courtroom 1 (ADA)

1 This Court conducted a Scheduling Conference on June 13, 2023. Counsel Vanessa Fantasia
2 appeared by Zoom video on behalf of Plaintiff Justin Edwards. Counsel Andrea Breuer appeared by
3 Zoom video on behalf of Defendant Lowe's Home Centers, LLC.

4 Based on the Joint Scheduling Report submitted by the parties, and pursuant to Federal Rule of
5 Civil Procedure 16(b), this Court sets a schedule for this action.

6 **1. Current Status of Consent to the Magistrate Judge Jurisdiction**

7 Pursuant to 28 U.S.C. § 636(c), the parties have not consented to conduct all further
8 proceedings in this case, including trial, before the Honorable Barbara A. McAuliffe, U.S. Magistrate
9 Judge.

10 **2. Amendment to the Parties' Pleadings**

11 All stipulated amendments or motions to amend shall be filed by **August 18, 2023**.

12 **3. F.R.Civ.P. 26(a)(1) Initial Disclosures**

13 Initial disclosures have been completed.

14 **4. Discovery Cutoffs and Limits**

15 Initial expert witness disclosures by any party shall be served no later than **February 23, 2024**
16 Supplemental expert witness disclosures by any party shall be served no later than **March 15, 2024**.
17 Such disclosures must be made pursuant to F.R.Civ.P. 26(a)(2)(A) and (B) and shall include all
18 information required thereunder. In addition, F.R.Civ.P. 26(b)(4) and F.R.Civ.P. 26(e) shall
19 specifically apply to all discovery relating to expert witnesses and their opinions. Each expert witness
20 must be prepared fully to be examined on all subjects and opinions included in the designations.
21 Failure to comply with these requirements will result in the imposition of appropriate sanctions, which
22 may include the preclusion of testimony or other evidence offered through the expert witness. In
23 particular, this Court will enforce preclusion of testimony or other evidence if F.R.Civ.P. 26(e) is not
24 strictly complied with.

25 All non-expert discovery, including motions to compel, shall be completed no later than
26 **January 26, 2024** All expert discovery, including motions to compel, shall be completed no later than
27 **April 19, 2024**. Compliance with these discovery cutoffs requires motions to compel be filed and
28 heard sufficiently in advance of the cutoff so that the Court may grant effective relief within the

1 allotted discovery time. A parties' failure to have a discovery dispute heard sufficiently in advance of
2 the discovery cutoff may result in denial of the motion as untimely.

3 **5. Non-Dispositive Pre-Trial Motions**

4 Non-dispositive motions are heard on Fridays at 9:00 a.m., before the Honorable Barbara A.
5 McAuliffe, United States Magistrate Judge, in Courtroom 8. Before scheduling such motions, the
6 parties shall comply with Local Rule 230 or Local Rule 251.

7 Counsel must comply with Local Rule 251 with respect to discovery disputes or the motion
8 will be denied without prejudice and dropped from calendar. In addition to filing a joint statement
9 electronically, a copy of the joint statement shall also be sent Judge McAuliffe's chambers by email to
10 bamorders@caed.uscourts.gov. Counsel for the parties are additionally required to conduct at least one
11 **telephonic or in person conference** as part of their obligations to meet and confer in good faith to
12 resolve their discovery dispute prior to seeking judicial intervention. The parties are further cautioned
13 that boilerplate objections to written discovery will be summarily denied.

14 Upon stipulation of the parties, Judge McAuliffe will resolve discovery disputes by informal
15 telephonic conference outside the formal procedures of the Local Rules and Federal Rules of Civil
16 Procedure governing noticed motions to compel. The procedures for requesting an informal
17 telephonic conference are set forth in Judge McAuliffe's Case Management Procedures located on the
18 Court's website, <http://www.caed.uscourts.gov>. If the parties stipulate to an informal ruling on a
19 discovery dispute that arises during a deposition, they may request an informal ruling during the
20 deposition by contacting Judge McAuliffe's Courtroom Deputy, Esther Valdez, by telephone at (559)
21 499-5788.

22 The parties are advised that unless prior leave of the Court is obtained, all moving and
23 opposition briefs or legal memorandum in civil cases before Judge McAuliffe shall not exceed twenty-
24 five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page
25 limitations do not include exhibits. Briefs that exceed this page limitation, or are sought to be filed
26 without leave, may not be considered by the Court.

27 **6. Dispositive Pre-Trial Motions**

28 All dispositive pre-trial motions shall be filed no later **May 17, 2024**, and heard pursuant to the

Local Rules in Courtroom 1 (ADA) before United States District Judge Ana de Alba. In scheduling such motions, counsel shall comply with **Fed. R. Civ. P 56 and Local Rules 230 and 260.**

Motions for Summary Judgment or Summary Adjudication: Prior to filing a motion for summary judgment or motion for summary adjudication, the parties are ORDERED to meet, in person or by telephone, and confer to discuss the issues to be raised in the motion.

The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the issues for review by the court; 5) explore the possibility of settlement before the parties incur the expense of briefing a summary judgment motion; and 6) to arrive at a Joint Statement of Undisputed Facts.

The moving party shall initiate the meeting and provide a draft of the Joint Statement of Undisputed Facts. **In addition to the requirements of Local Rule 260, the moving party shall file a Joint Statement of Undisputed Facts.**

In the Notice of Motion, the moving party shall certify that the parties have met and conferred as ordered above or set forth a statement of good cause for the failure to meet and confer.

7. Settlement Conference

A Settlement Conference has not been scheduled. The parties may contact Courtroom Deputy Esther Valdez at (559) 499-5788 to schedule a settlement conference. If a settlement conference is set, the parties are advised that unless otherwise permitted in advance by the Court, the attorneys who will try the case shall appear at the settlement conference with the parties and the person or persons having full authority to negotiate and settle the case, on any terms, at the conference.

8. Pre-Trial Conference Date

The pre-trial conference is set for **October 21, 2024, at 1:30 p.m. in Courtroom 1 (ADA)** and will be heard before United States District Judge Ana de Alba.

The parties are ordered to file a **Joint Pretrial Statement pursuant to Local Rule 281(a)(2).** The parties are further directed to submit a digital copy of their Pretrial Statement in Word format, directly to Judge de Alba's chambers by email at adaorders@caed.uscourts.gov.

Counsels' attention is directed to **Rules 281 and 282 of the Local Rules** for the Eastern District of California, as to the obligations of counsel in preparing for the pre-trial conference. The Court will insist upon strict compliance with those rules. In addition to the matters set forth in the Local Rules, the Joint Pretrial Statement shall include a Joint Statement of the Case to be used by the Court to explain the nature of the case to the jury during voir dire.

9. Trial Date

Trial is set for **January 28, 2025 at 8:30 a.m. in Courtroom 1 (ADA)** before United States District Judge Ana de Alba.

A. This is a jury trial.

B. Counsels' Estimate of Trial Time: 5 days.

C. Counsels' attention is directed to Local Rule 285 for the Eastern District of California.

10. Effect of This Order

This order represents the best estimate of the court and counsel as to the agenda most suitable to dispose of this case. The trial date reserved is specifically reserved for this case. If the parties determine at any time that the schedule outlined in this order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments may be made, either by stipulation or by subsequent status conference. **The dates set in this Order are considered to be firm and will not be modified absent a showing of good cause even if the request to modify is made by stipulation. Stipulations extending the deadlines contained herein will not be considered unless they are accompanied by affidavits or declarations, and where appropriate, attached exhibits, which establish good cause for granting the relief requested.** The failure to comply with this order may result in the imposition of sanctions.

IT IS SO ORDERED.

Dated: **June 13, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE